

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**CITY OF OMAHA, NEBRASKA, a
Municipal Corporation,**

Plaintiff,

vs.

FIGG BRIDGE ENGINEERS, INC.,

Defendant.

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8:07CV157

ORDER

The court has considered plaintiff's Motion to Compel Mediation and Appoint a Mediator [83], together with the defendant's response thereto [89]. The court finds that the motion should be granted.

IT IS ORDERED that plaintiff's Motion [83] is granted, as follows:

1. This case is stayed for a period of **90 days** from the date of this order, to permit the parties to utilize the settlement services of:

Jerome V. Bales
Lathrop & Gage L.C.
2345 Grand Blvd.
Suite 2800
Kansas City, MO 64108

T: (816) 460-5747
F: (816) 292-2001
jbales@lathropgage.com

The parties are encouraged to cooperate fully with the requirements and settlement efforts of Mr. Bales.

2. During the period of the stay, compliance with deadlines established by the progression order, responses to discovery, and other proceedings shall not be required. In the event settlement is not reached, the case will be rescheduled for trial preparation and trial.

3. Pursuant to [General Order No. 2005-21](#), all pending dispositive and nondispositive motions are denied, without prejudice to refile in the event settlement is not reached.

4. Within five days following the completion of the parties' settlement meeting, plaintiff's counsel shall report to the Clerk of the Court, by letter, whether the case has been settled. Failure to so notify the court of the completion of the settlement meeting,

with or without settlement, may result in the dismissal of this case without further notice pursuant to Fed. R. Civ. P. 41(b). Information about the substance of the parties' settlement agreement, if any, shall not be provided without their consent.

5. The Clerk shall bring this file to the attention of the undersigned after one hundred (100) days or when notified that the neutral's settlement involvement has been completed, whichever first occurs.

6. The Clerk shall mail a copy of this order to all counsel of record, unrepresented parties, and the selected neutral identified above, enclosing with the latter a copy of the pleadings and docket sheet for this case and other appropriate documents related to the operation of the court's Mediation Plan.

7. Any Objection to this order shall be filed on or before **June 10, 2008**.

DATED May 28, 2008.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**